

**IN THE CLAIMS:**

**Please cancel claims 2-39 without prejudice, add new claims 40-62 and amend claim 1 as indicated in the following list of pending claims.**

**Pending Claims**

1. (Currently Amended) A biopsy instrument ~~[[fro]]~~ for retrieving body tissue, having a longitudinal axis and comprising:

a distal end adapted for entry into a patient's body; and

~~[[a]]~~ an electrosurgical cutting element disposed on ~~said~~ a distal portion of the instrument~~[[,]]~~ ~~said cutting element being~~ which is actuatable between a radially retracted position and a radially extended position, relative to said axis, ~~and being~~ which is movable in said radially extended position to isolate a desired tissue specimen from surrounding tissue by defining a peripheral margin about said tissue specimen and which is insulated from body tissue in the retracted position.

Claims 2-39 (Canceled)

40. (New) A instrument assembly for isolating tissue specimen from an intracorporeal site, comprising:

- a. an elongate shaft which has a longitudinal axis and a distal end; and
- b. an elongated electrosurgical cutting element which is longitudinally disposed on a distal portion of the elongate shaft, which is radially extendable from a retracted position to an extended position, which is electrically insulated from the patient's tissue in the retracted position,

which is configured to be rotated at least in part about the longitudinal axis in a radially extended arcuate position to electrosurgically isolate a tissue specimen from surrounding tissue; and

- c. an electrical conductor configured to electrically interconnect the electrosurgical cutting element to a high frequency electrical power source.

41. (New) The instrument assembly of claim 40 wherein the electrosurgical cutting element has a proximal end and a distal end and which is configured to move one end closer to the other end to effect radial extension from the retracted position to the radial extended arcuate position.

42. (New) The instrument assembly of claim 41 wherein the electrosurgical cutting element is configured so that the distal end is fixed and the proximal end move toward the distal end.

43. (New) The system for isolating body tissue, as recited in Claim 40, wherein the electrosurgical cutting element is rotatable about the longitudinal axis while in the radially extended position to isolate said desired tissue specimen.

44. (New) The system for isolating body tissue as recited in Claim 40, wherein the electrosurgical tissue cutting element comprises a monopolar electrode.

45. (New) The system for isolating body tissue as recited in Claim 44, wherein the electrosurgical proximal tissue cutting element comprises a monopolar electrode.

46. (New) The system for isolating body tissue as recited in Claim 44, wherein the electrosurgical proximal tissue cutting element comprises a bipolar electrode.

47. (New) The system for isolating body tissue as recited in Claim 40, and further comprising a sheath which is axially movable between distal and proximal positions for selectively covering and uncovering the proximal tissue cutting element.

48. (New) The system for isolating body tissue as recited in Claim 47, and further comprising a proximal driver unit for controlling radial expansion and retraction of the proximal tissue cutting element and rotation of the proximal tissue cutting element about the longitudinal axis.

49. (New) The system for isolating body tissue as recited in Claim 48, wherein the proximal driver unit further controls axial movement of said shaft and axial movement of said sheath.

50. (New) The system for isolating body tissue as recited in Claim 44, wherein the electrosurgical proximal tissue cutting element is configured to be manipulated to segment said tissue specimen after it has been isolated from the surrounding tissue.

51. (New) The system for isolating body tissue as recited in Claim 50, wherein the electrosurgical proximal tissue cutting element is configured to segment the tissue specimen.

52. (New) The system for isolating body tissue as recited in Claim 51, wherein the electrosurgical proximal tissue cutting element is configured to segment the tissue specimen as it is being retracted from said radially extended position to said radially retracted position.

53. (New) The system for isolating body tissue as recited in Claim 51, wherein the radially extended position comprises a first radially extended position and wherein

the electrosurgical cutting element is further actuatable to a plurality of additional radially extended positions and wherein the electrosurgical cutting element is rotatable about the longitudinal axis in each of said radially extended positions to selectively peripherally segment said tissue specimen.

54. (New) The system for isolating body tissue as recited in Claim 50, and further comprising a cannula having a lumen for providing a passageway into the patient's body, the segments of the tissue specimen being removable from the patient's body through said cannula.

55. (New) The instrument assembly of claim 40 wherein the distal portion of the elongated shaft is provided with a recess configured to receive the electrosurgical cutting element.

56. (New) The instrument assembly of claim 54 wherein the recess is provided at least in part with a lining of insulating material to insulate the cutting element.

57. (New) An electrosurgical device, comprising:

- a. a body defining an outer surface, a proximal end, a distal end and a window defined within the outer surface;
- b. an electrically insulating layer, and an active electrosurgical cutting element adapted to be electrically connected to a power source and configured to selectively assume a non-deployed configuration in which the insulating layer electrically insulates the active electrosurgical cutting element from a patient's tissue and a variable deployed configuration in

which the active electrosurgical cutting element at least partially emerges from the window out of the body to make contact with the patient's tissue.

58. (New) A method of isolating tissue using a probe which includes an active electrosurgical cutting element that is extendable out of and retractable back into a window defined in the probe and that is electrically connected to a power source, comprising:

- a. inserting the probe into tissue;
- b. electrically insulating the active element from the tissue;
- c. energizing the active element using power from the power source, and
- d. exposing the active element while using power from the power source.

59. (New) An electrosurgical tissue cutting device, comprising:

- a. a device body having a proximal end and a distal end;
- b. an active electrosurgical cutting element which is coupled to the body and is adapted to be controllably energized from a power source, and
- c. electrical insulation to isolate the active electrosurgical cutting element from and to a patient's tissue when the device is in use.

60. (New) An electrosurgical device adapted for insertion into tissue, comprising:

- a. a device body,
- b. an RF energizable active electrosurgical tissue cutting element which is disposed within the device body, and
- c. an insulating structure which is configured to insulate the active electrosurgical tissue cutting element from the tissue until the active

electrosurgical tissue cutting element is sufficiently energized to be effective when the active electrosurgical tissue cutting element is brought into contact with the tissue.

61. (New) A system for isolating body tissue from an intracorporeal site within a patient, comprising:

- a. an elongate shaft having a longitudinal axis and a distal end;
- b. an electrosurgical tissue cutting element which is disposed on the elongate shaft proximal of the distal end, which is radially extendable from a radially retracted position to a radially extended position, relative to the longitudinal axis which is insulated from the patient's body; and
- c. a source of radiofrequency energy.

62. (New) The system of claim 61 wherein the cutting element has an arcuate shape in a radially extended position and is movable in the arcuate shape to isolate a desired tissue specimen from surrounding tissue by defining a peripheral margin about said tissue specimen.